

**BOARD OF DIRECTORS – ACTION SUMMARY**  
**Wednesday, March 3, 2004 – 6:00 p.m.**

**Administration Building**  
**2101 Hurley Way, Sacramento, CA**

**CALL TO ORDER**

The meeting was called to order by President Stewart. Board Members present: Duveneck, Engellenner, Goold, Granados, Lawson, Stewart, Trujillo, Valley. Director Jones, absent. Staff: Fire Chief Martinez, General Counsel Price, Board Clerk Tilson.

**PLEDGE OF ALLEGIANCE**

**PUBLIC OPPORTUNITY TO DISCUSS MATTERS OF PUBLIC INTEREST WITHIN DISTRICT JURISDICTION INCLUDING ITEMS ON OR NOT ON THE AGENDA**

Dave Smith stated as a citizen of the District and a member of the fire department, he wanted to express his support and thank the Board for the pay raises given to the firefighters.

Fire Captain Brian Rice, President of Local 522 and a resident, stated he was not at the last Board meeting but wanted to express his appreciation to the Board, Chiefs Means, Latta, McDonald, Martinez, and everyone involved, for ratification of the contract. This action provides competitive wages and benefits and, especially, you have taken care of your employees.

**CONSENT AGENDA:**

**1. Board Meeting Action Summary—February 18, 2004**

- **Board Action:**  
*Goold/Engellenner—approve the Consent Agenda. Directors Duveneck, Engellenner, Goold, Granados, Lawson, Stewart, Trujillo, Valley, AYE. Director Jones, absent. Motion carried.*

**CLOSED SESSION 6:10 PM**

[Taken Out of Order prior to the Action Items]

**RECONVENE TO OPEN SESSION 6:20 PM/CLOSED SESSION REPORT**

Report by General Counsel Price:

**1. LABOR NEGOTIATIONS**

Pursuant to California Government Code Section 54957.6

District Negotiator: Deputy Chief Teresa Means

Employee Organization: Administrative Support Personnel (ASP)

The Board received an update on the final proposed contract. No action taken.

**ACTION ITEM(S)****1. Resolution No. 18-04—Labor Contract-Administrative Support Personnel (ASP) MOU, Affiliate of Sacramento Area Fire Fighters Local 522—(Means)**

- The Memorandum of Understanding between the District and Administrative Support Personnel (ASP) provides for a three-year contract, effective January 1, 2004 through December 31, 2006.
- Deputy Chief Means stated it was ratified by the membership; recommended the Board adopt the Resolution to make the labor contract effective.
- **Board Action:**  
*Engellenner/Lawson—adopt the resolution approving the Labor Agreement with ASP. Directors Duveneck, Engellenner, Goold, Granados, Lawson, Stewart, Trujillo, Valley, AYE. Director Jones, absent. Motion passed.*

**2. Resolution—Senior Management, Management and Unrepresented Confidential Employees—(Martinez)**

- Number of questions remain with more time needed.
- **Board Action:**  
*Engellenner/Lawson—table the Resolution to a special meeting. Directors Duveneck, Engellenner, Goold, Granados, Lawson, Trujillo, Valley, AYE. Director Stewart, NO. Director Jones, absent. Motion passed.*

**PRESENTATION ITEM(S):****1. Proposed Reorganization of the Florin-Elder Creek and Elk Grove-Cosumnes Cemetery District—(Appel)**

- Recommendation to direct staff to prepare a written response to LAFCo indicating that the proposed reorganization of the Florin-Elder Creek and Elk Grove-Cosumnes Cemetery District will not impose either a financial or operational impact on Metro Fire and that our District is not opposed to the reorganization.
- **Board Action**  
*Granados/Duveneck—approve the staff recommendation. Directors Duveneck, Engellenner, Goold, Granados, Lawson, Stewart, Trujillo, Valley, AYE. Director Jones, absent. Motion passed.*

**2. Proposed Annexation of Aspen IV to Sacramento County Sanitation District—(Appel)**

- The proposed annexation of Aspen IV to Sacramento Regional County Sanitation District and County Sanitation District 1 will improve the property's development capabilities, increasing its value and enhancing the potential for future District property tax revenues.
- The Aspen IV area is located in a part of the former Teichert sand and gravel quarry between Bradshaw and Mayhew Roads, south of Kiefer Boulevard. The area is proposed to be the future site of a school, and residential and commercial development.
- Recommendation to direct staff to prepare a written response to LAFCo indicating that the Sacramento Metropolitan Fire District supports the proposed annexation of Aspen IV into the Sacramento Regional County Sanitation District and County Sanitation District 1.
- **Board Action**  
*General consensus to approve the staff recommendation.*

**3. 2004/2005 Pooled Tax and Revenue Anticipation Note (TRAN)—(Simcoe)**

- The TRAN is a short-term tax-exempt bond issued by public agencies creating additional revenue. Because the TRAN yield (interest paid to purchasers of the bonds) is less than the interest the District can earn through other investments, a positive cash advantage can be achieved.

- The District has participated in a Pooled TRAN program through RBC Dain Rauscher, Inc. (formerly Sutro Company) since the 1994/95 fiscal year; currently the 2003/04 TRAN money is invested with Wells Fargo Bank, National Association in a Guaranteed Investment Contract (GIC), with an estimated net revenue return of approximately \$250,000.
- Recommends staff be authorized to contact RBC Dain Rauscher, Inc. to explore the possibility of the District's participation in a 2004/05 Pooled TRAN.
- **Board Action**  
*General consensus to approve the staff recommendation.*

#### 4. **LAFCo Municipal Services Review (MSR)—(Price)**

- Under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code Section 56430 requires all public agencies to submit MSRs to LAFCo not less than every five years.
- In 2003, Sacramento LAFCo began requesting the required MSRs from special districts within the County. Metro Fire contracted with a consultant, Public Resources Management (PRM), to assist staff in drafting the District's MSR.
- MSRs will be used by LAFCo to determine the viability of any future consolidations or reorganizations that change the District's current political boundaries. Absent an approved MSR on file with LAFCo, the Commission could disallow any future District expansion. Future changes in the District political boundaries could have positive financial impacts on revenues.
- Brief overview to be provided by Deputy Chief Appel at the next meeting; any suggestions for modification to be forwarded to Chief Appel.
- Recommend review of the draft MSR and place it on the next Agenda for adoption and submission to Sacramento and Placer LAFCo.
- **Board Action**  
*MSR to be placed on the next Board Agenda of March 17, 2004.*

**5. Resolution No. 19-04—Industrial Disability Retirement Application-Firefighter Richard Murdock—(Appel)**

[Taken out of order after Closed Session]

- Work related injury precluding performance of duties in the position of Firefighter.
- Application filed with the Public Employees' Retirement System.
- Recommend approval; retirement effective March 10, 2004.
- **Board Action**  
*Engellenner/Granados—Adopt the Resolution. Directors Duveneck, Engellenner, Goold, Granados, Lawson, Stewart, Trujillo, Valley, AYE. Director Jones, absent. Motion passed.*

**PRESIDENT'S REPORT—(Stewart)** None.

**ADDITION TO THE AGENDA:**

Counsel Price requested an item be added to the Closed Session. The District was served with a lawsuit yesterday after the agenda was posted and would like to update the Board on the following:

**2.c. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Gary Monk v. Sacramento Metropolitan Fire District; Gary Costamagna; Rick Martinez; Teresa M. Means; George T. McKinnon; Does 1-50  
Sacramento County Superior Court Case No. 04AS00665

- **Board Action:**  
*Granados/Engellenner—Approve adding the item to the Agenda. Directors Duveneck, Engellenner, Goold, Granados, Lawson, Stewart, Trujillo, Valley, AYE. Director Jones, absent. Motion passed.*

**FIRE CHIEF'S REPORT—(Martinez)**

- March 17, 2004 Board meeting--will be out-of-town on District business.
- Videotape of a television program aired March 1 on Channel 3 on Special Districts and Special District Reform was distributed to the Board. It referenced two local fire districts; Suburban Water and Rio Linda Water; few interviews of Senator Ortiz and her objectives; hospital districts; Metro Fire shown as an example of good government.

Legislation is forthcoming on how special districts operate. The impact will be different for Metro since many of the accounting and fiscal practices mentioned have been institutionalized as part of our practice.

Counsel Price and Chief Appel attended the local hearings of Ortiz' Task Force Committee. We anticipate talking with her in the near future on perspectives of special districts and what we have done as an agency.

- The unrepresented staff Resolution was tabled tonight. There are 48 employees covered by that Resolution; 670 have been dealt with to-date. For the record, signs of disparate treatment are exhibited and salary and benefit changes need to be considered for the 48. Staff has no knowledge of other information to provide.

### **GENERAL COUNSEL'S REPORT—(Price)**

### **COMMITTEE AND DELEGATE REPORTS:**

[Taken out of order after Closed Session]

#### **Executive Committee—(Stewart)**

- Next meeting: TBA

#### **Communications Center Delegate—(Engellenner)**

- Memorandum of Understanding (MOU) with Local 522 was signed with a 7.5% pay increase for the Comm Center dispatchers. Since the Comm Center Manager approved the raise prior to the Board, he requested an official consensus of approval from the Board.
- **Board Action**  
*General consensus approving the MOU between Local 522 and the Communications Center.*
- Next Meeting: March 30, 2004 – 10:30 a.m.

#### **California Fire & Rescue Training Authority—(Goold)**

- Next Meeting: TBA.

#### **Finance Committee—(Jones)**

- Next Meeting: March 17, 2004 – 5:00 p.m.

#### **Policy Committee—(Granados)**

- Received a presentation on today's meeting.
  - Discussed the Board Clerk. The Fire Chief and General Counsel to research some issues on bringing the Board Clerk under the auspices of the full Board and Executive Committee, with a report back at the next meeting.
  - Reviewed, modified and approved the Director of Finance job description, to be presented to the full Board at its next meeting.
- Next meeting: April 14, 2004 – 5:00 p.m.

**BOARD QUESTIONS AND COMMENTS****Trujillo:**

- For the record as a comment on the Fire Chief's report, the Board has not forgotten the 48 employees. There are some comparables they have a problem with and the 48 employees will be dealt with.  
  
Fire Chief Martinez requested the Board to let him know what other information is needed.

**CLOSED SESSION 6:55 PM****RECONVENE TO OPEN SESSION 7:42 PM/CLOSED SESSION REPORT**

Report by General Counsel Price:

**2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to California Government Code Section 54956.9(a) – Three (3) Cases

- a. Joe Anderson vs Sacramento Metropolitan Fire District  
WCAB SAC 0330984

The Board provided settlement authority to the workers' compensation counsel. If a settlement is effectuated, the terms of the settlement will be announced in open session pursuant to The Brown Act.

- b. Richard Murdock vs Sacramento Metropolitan Fire District  
Claim No. 6221000017

The Board reviewed the medical information. Action will be taken under the Resolution on the agenda.

Director Granados recused himself

- c. Gary Monk v. Sacramento Metropolitan Fire District; Gary Costamagna; Rick Martinez; Teresa M. Means; George T. McKinnon; Does 1-50  
Sacramento County Superior Court Case No. 04AS00665

The Board received a brief background regarding this litigation served on the District yesterday. No action was taken.

Director Granados returned to the meeting

**3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9 – One Case

Claim Against Public Entity Pursuant to Government Code Section 910 by Michael Vance Consulo

The Board denied the claim as follows: Motion by Director Goold, seconded by Director Engellenner. Directors Duveneck, Engellenner, Goold, Granados, Lawson, Trujillo, Valley, Stewart, AYE. Director Jones, absent. Motion passed.

**4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Pursuant to California Government Code Section 54956.8

Property: 8645 Greenback Lane, Orangevale, Sacramento County, California,  
APN 261-0160-038-0000

Agency Negotiator: Chuck Horel, Project Manager

Negotiating Parties: Sacramento Metropolitan Fire District and Property Owner Ted Harris for  
Starline, Inc.

Under Negotiation: Price and terms/conditions of purchase

**5. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Pursuant to California Government Code Section 54956.8

Property: 8681 Greenback Lane, Orangevale, Sacramento County, California,  
APN 261-0210-004-0000

Agency Negotiator: Chuck Horel, Project Manager

Negotiating Parties: Sacramento Metropolitan Fire District and Property Owner Denys S.  
Holley

Under Negotiation: Price and terms/conditions of purchase

**Items 4 and 5:**

The Board provided direction to the real property negotiator regarding price and terms/conditions of purchase for the two properties. If a sale is effectuated, the sales price and the terms of the contract will be brought back to the Board. No action taken.

**BOARD QUESTIONS AND COMMENTS (continued)****Valley:**

- If anyone has questions on the unrepresented resolution, send them to the Fire Chief for the special meeting on Tuesday.
- **Board Action**  
*Engellenner/Lawson—Schedule special Board meeting on Tuesday, March 9 at 6:00 p.m. Directors Duveneck, Engellenner, Goold, Granados, Lawson, Trujillo, Valley, Stewart, AYE. Director Jones, absent. Motion passed.*

**Lawson:**

- Thanked the Board and Board Clerk Tilson for the opportunity and help provided in attending the Special District Governance Conference in Palm Springs February 18 - 21. He returned the evening of February 18 to attend the Board meeting at no cost to the District, and then flew back; will provide a report on the conference.



- A call was conveyed by the Board Clerk relative to a constituent in his District concerned with the contract and his vote. Administration was placed under some pressure that personally he did not appreciate. He contacted the individual and extended an invitation to attend the open Board meetings to address any issues with the Board. He can be reached at (916) 927-9772 if anyone would like to call him directly.

**Trujillo:**

- Thanked Captain Brian Rice and Station 21 crew who responded to a call from a gentleman in Fair Oaks who was pinned under a fallen tree in his backyard—fortunately he was not seriously injured.
- Attended the 59<sup>th</sup> Convention for the State Building Trades in Anaheim at the Disneyland Hotel. He thanked Pat Monahan of Local 522 for resolving the problem his family encountered with the Firefighters discount tickets.

**Granados:**

- Thanked everyone in attendance tonight.
- He will provide some information to the Fire Chief on questions regarding salaries and benefits.

**Engellenner:**

- Citizens in Division 1 that he met are very supportive of the pay raise for the rank and file and encountered no complaints.
- Questions he has regarding senior management will be given to Board Clerk Tilson for the Fire Chief.
- At the next Board meeting, he will bring some requests forward from Jim Vanderveen, the Communications Center Manager, for placement on the Agenda.

**Goold:**

- Thanked the men and women in all ranks, divisions, and services of this department—proud to be a Director.

**Stewart:**

- Echoed the same sentiments.

**Duveneck:**

- Thanked everyone for supporting him during the past months as he ran for the supervisorial position.

**ADJOURNMENT:**

The meeting was adjourned at 8:00 p.m.

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James M. Stewart, President

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H. Peter Engellenner, Secretary

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Charlotte Tilson, Clerk of the Board